

KING DRUG COMPANY OF FLORENCE, INC., <u>et al.</u> , Plaintiffs, v. CEPHALON, INC., <u>et al.</u> , Defendants.	CIVIL ACTION No. 2:06-cv-1797
VISTA HEALTHPLAN, INC., <u>et al.</u> , Plaintiffs, v. CEPHALON, INC., <u>et al.</u> , Defendants.	CIVIL ACTION No. 2:06-cv-1833
APOTEX, INC., Plaintiff, v. CEPHALON, INC., <u>et al.</u> , Defendants.	CIVIL ACTION No. 2:06-cv-2768
FEDERAL TRADE COMMISSION, Plaintiff, v. CEPHALON, INC., Defendant.	CIVIL ACTION No. 2:08-cv-2141

ORDER

AND NOW, this 4th day of November, 2013, upon consideration of Cephalon's motion for leave to file a consolidated summary judgment opposition brief (Doc. Nos. 531, 245, 613, and 230, respectively), it is **ORDERED** that the motion is **GRANTED**:

- Cephalon may file a consolidated opposition brief, not to exceed 65 pages, in response to the patent-related issues in the following four motions: (1) Direct Purchaser Class Plaintiffs' Motion for Partial Summary Judgment on the Patent Issues (No. 6-1797, Doc. No. 518); (2) End-Payor Plaintiffs' Motion for Partial Summary Judgment Against Cephalon (No. 6-1833, Doc. No. 233); (3) Plaintiff Apotex, Inc.'s Motion for Summary Judgment of Antitrust Liability (No. 6-2768, Doc. No. 601); and (4) Plaintiff Federal Trade Commission's Motion for Preclusion of Patent Issues, or in the Alternative, for Summary Judgment (No. 8-2141, Doc. No. 218).
- Cephalon may also file the following: (a) a brief not to exceed 25 pages in response to the separate summary judgment motion filed by Direct Purchaser Plaintiffs concerning their Section 1 Sherman Act Antitrust conspiracy claim (No. 6-1797, Doc. No. 519); (b) a brief not to exceed 15 pages in response to the portion of Apotex's summary judgment motion concerning the market definition and monopoly power elements of Apotex's Sherman Act claims (No. 6-2768, Doc. No. 601); and (c) a brief not to exceed 15 pages in response to the portion of the End Payors' summary judgment motion concerning state law claims (No. 6-1833, Doc. No. 233).

- Direct Purchaser Plaintiffs, the End-Payor Plaintiffs, the Federal Trade Commission, and Plaintiff Apotex, Inc. may each file a reply brief (or briefs), not to exceed 20 pages total, in response to Cephalon’s briefs. If any of the Plaintiffs feel that 20 pages is insufficient for a reply, leave of Court may be sought to exceed this page limit.

BY THE COURT:

/s/ Mitchell S. Goldberg

Mitchell S. Goldberg, J.